

## REMARKS

### I. Introduction

Claims 1-11, 13-24 and 26-28 are pending in the above application.

Claims 1-8, 14-21 and 27-28 stand rejected under 35 U.S.C. § 102 as being anticipated.

Claims 9-11, 13, 22-24 and 26 stand rejected under 35 U.S.C. § 103 as being unpatentable.

Claims 1 and 14 are independent claims.

### II. Prior Art Rejections

A. Claims 1-8, 14-21 and 27-28 stand rejected under 35 U.S.C. § 102 as being anticipated by Cuccia (U.S. Pat. 6,157,673)<sup>1</sup>.

Anticipation under 35 U.S.C. § 102 requires that each and every element of the claim be disclosed in a prior art reference as arranged in the claim. See, *Akzo N.V. v. U.S. Int'l Trade Commission*, 808 F.2d 1471 (Fed. Cir. 1986); and *Connell v. Sears, Roebuck & Co.*, 220 USPQ 193, 198 (Fed. Cir. 1983).

Cuccia does not disclose or suggest collecting multimedia program information from a plurality of transport streams by receiving requests for collecting program information, matching a first received program information with a first list of requested program information; and matching a second received program information with a second list of requested program information, as substantially required by each of amended independent claims 1 and 14. Cuccia discloses a technique of extracting program specific information (PSI) from multiple transport streams which simply implements enough hardware (e.g. pre-decoders 203) to extract the PSI

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<sup>1</sup> Applicant notes that the Examiner previously considered the Cuccia reference, which was cited in Applicant's IDS, but the Examiner did not previously rely on the Cuccia reference in a rejection.

from all of the received transport streams. Cuccia, Fig. 2; col. 4: 25 through col. 5: 2. Cuccia discloses to store the extracted PSI, and then to use a mapping function to associate a channel change request to the extracted PSI and its associated transport stream. Cuccia, col. 4: 56 through col. 5: 2 (“when a channel change request is issued ... the applicable program specification information can be read from the mapping function 206 and conveyed to the transport decoder”). Cuccia, does not maintain a list of requests to be matched with a PSI, as required by the claims (e.g. claim 1, “matching a first received program information with *a first list of requested program information*; and matching a second received program information with *a second list of requested program information*”). Indeed, Cuccia clearly collects and stores the PSI in advance of receiving any request, and clearly does not maintain “a first list of requested program information” or “a second list of requested program information.”

Accordingly, as Cuccia does not disclose each and every element of amended independent claims 1 or 14, Cuccia does not anticipate amended independent claims 1 or 14. Moreover, Cuccia does not anticipate claims 2-8 and 27 nor 15-21 and 28 which depend on claims 1 and 14, respectively.

B. Claims 9 and 22 stand rejected under 35 U.S.C. § 103 as being unpatentable over Cuccia in view of Metz et al. (U.S. Pat. 5,666,293).

Claims 10-11 and 23-24 stand rejected under 35 U.S.C. § 103 as being unpatentable over Cuccia in view of Metz in view of Look (U.S. Pat. 6,747,906).

Claims 13 and 26 stand rejected under 35 U.S.C. § 103 as being unpatentable over Cuccia in view of Official Notice.

Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. *Ecolochem Inc. v. Southern California Edison Co.*, 227 F.3d 1361, 56 U.S.P.Q.2d (BNA) 1065 (Fed. Cir. 2000); *In re Dembiczak*, 175 F.3d 994, 999, 50 U.S.P.Q.2D (BNA) 1614, 1617 (Fed. Cir. 1999); *In re Jones*, 958 F.2d 347, 21 U.S.P.Q.2d 1941 (Fed. Cir. 1992); and *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988). See also MPEP 2143.01.

Neither Cuccia, Metz, Look, nor Official notice taken alone or in combination, disclose or suggest collecting multimedia program information from a plurality of transport streams by receiving requests for collecting program information, matching a first received program information with a first list of requested program information; and matching a second received program information with a second list of requested program information, as substantially required by each of amended independent claims 1 and 14, from which claims 9-11, 13, 22-24 and 26 depend. Cuccia does not disclose such as discussed above. None of Metz, Look nor the Official notice cures the deficiencies of Cuccia.

Metz applies to downloading operating systems and applications using MPEG streams. Look applies to electronic circuits, electronic circuit timing and computer memory or RAM. None of Metz, Look nor the Official notice disclose to collect multimedia program information from a plurality of transport streams as recited in amended claims 1 or 14.

Accordingly, as neither Cuccia, Metz, Look, nor Official notice taken alone or in combination, disclose or suggest all of the limitations of claims 1 or 14, from which claims 9-11,

13, 22-24 and 26 depend, these references, in any combination, do not render claims 9-11, 13, 22-24 and 26 depend unpatentable.

### **III. Conclusion**

Having fully responded to the Office action, the application is believed to be in condition for allowance. Should any issues arise that prevent early allowance of the above application, the examiner is invited contact the undersigned to resolve such issues.

To the extent an extension of time is needed for consideration of this response, Applicant hereby request such extension and, the Commissioner is hereby authorized to charge deposit account number 502117 for any fees associated therewith.

Respectfully submitted,

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